

FISCAL NOTE

Bill #: SB0191 **Title:** Require deletion of unsubstantiated allegations of child abuse from records

Primary Sponsor: O'Neil, J **Status:** Second Reading

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	FY 2004 <u>Difference</u>	FY 2005 <u>Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|---|
| <input type="checkbox"/> Significant Local Gov. Impact
<input type="checkbox"/> Included in the Executive Budget
<input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns
<input checked="" type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Needs to be included in HB 2 |
|---|---|

Fiscal Analysis

ASSUMPTIONS:

1. There will be no fiscal impact in FY 2004 and FY 2005.
2. The bill requires that the first records to be destroyed would be in October 2006.
3. This bill will create the requirement to track all unsubstantiated investigations of child abuse to determine if three years have passed without a substantiated investigation for the same child. Child and Adult Protective Services (CAPS) must be programmed to track the investigations and send alerts to the social workers if there has been no record of substantiated investigations filed in the previous three years. A review of the hard copy client file will be required. All files with records of unsubstantiated investigations that are three years old and have no subsequent investigations must be destroyed with the exception of medical records as described in Section 41-3-102 (c).
4. The Child & Family Service Division reported over 6,100 unsubstantiated investigations in FY 2002. Using the FY 2002 statistics, CAPS would send alerts for 6,100 unsubstantiated investigations to the social worker. The social worker would review the case files for the last three years. If the child was with the same legal custodian, and no subsequent investigations were filed and substantiated in the last 3 years, the unsubstantiated record would be destroyed.
5. The task required is estimated to take a social worker 1½ hours to:
 - a. process the alert by reviewing the electronic file
 - b. pull and review the hard file for the previous 3 years for substantiated and filed investigations,
 - c. Verify which files in question should be destroyed

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- d. Assure that medical records as described in Section 41-3-102 (c) are pulled from the report and are not shredded.
- e. Shred all remaining records concerning the unsubstantiated report and the investigation.
6. The total task would take 9,150 hours of work annually ($6,100 \times 1\frac{1}{2} = 9,150$).
Annual actual working hours of 1.00 FTE are as follows:
 - a. 1.00 FTE = 2,080 hours per year
 - b. less 104 holiday hours
 - c. less 120 vacation hours
 - d. less approx. 40 hours sick leave, or 1,816 hours of work.
 This will require 5.00 FTE ($9,150 \text{ hours} / 1,816 \text{ per FTE} = 5.00 \text{ FTE}$).
7. Personal services costs of:

a. 5 FTE, Grade 11 x \$21,773 =	\$108,865 per year
b. plus 15.58% benefits of	\$ 16,963 per year
c. plus health insurance of	<u>\$ 21,960 per year</u>
Total personal services	\$147,788 per year
8. CAPS would require reprogramming efforts to identify cases where there are unsubstantiated allegations of abuse or neglect for the previous three years. This reprogramming would be performed utilizing existing resources.
9. Unsubstantiated allegations of abuse or neglect will be three years old on September 1, 2006. The funding and FTE to support this bill will then be required. The funding requirements will be delayed until FY 2007 and subsequent years thereafter and will be increased in accordance with any subsequent legislative action. Assuming a September 1, 2006 effective date, the FTE requirement would be 3.75 FTE in FY 2007 and 5.00 FTE thereafter.

FISCAL IMPACT:

Expenditures:

Personal Services

FY 2004
Difference
\$0

FY 2005
Difference
\$0

Funding of Expenditures:

General Fund (01)

\$0

\$0

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

General Fund (01)

\$0

\$0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. This bill also refers to the destruction of records of county attorneys and peace officers that conducted the investigation of the report of allegations of unsubstantiated abuse or neglect, MCA Section 41-3-202 (5)(c) lines 4 & 5. The expenditures of non-state offices or employees, such as county attorneys or peace officers, were not estimated

LONG-RANGE IMPACTS:

When the three-year period for destruction of records starts in October 2006 the Department of Public Health and Human Services will need 3.75 FTE in FY 2006 and 5.00 FTE thereafter to process the paperwork. The impact to the General Fund will be approximately \$76,000 in FY 2007 and \$98,000 in FY 2008. These costs will continue in future years.